IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.193 OF 2005

Sou. Subhadra Mahadeo Landage ... Applicant

versus

The State of Maharashtra ... Respondent

...

Mr. Abhaykumar Apte, for the Applicant.

Mr. K.V. Saste, A.P.P., for the State.

...

CORAM : A.M.KHANWILKAR,J.

31st January 2005

P.C.:

. The concerned officer is personally present in Court and offered explanation that on the relevant dates, whenever intimation was received by him, he had instantly informed the office of the Public Prosecutor on Fax about his inability to attend the Court proceedings because of other official commitments. Even accepting the said explanation, there is no reason why the officer should not have considered of deputing

some other person along with the record to the office of the Public Prosecutor, so as to assist the Public Prosecutor in arguing the case on merits. The matter has been adjourned from 17th January 2005 on different dates and lastly on 27th January 2005, this Court thought it necessary to direct personal presence of the investigating officer along with relevant record and to offer explanation. At least in future the concerned officer may take necessary precaution to ensure that when matter is posted before the Court, either he appears in Court along with the relevant record on the appointed date or at least depute some responsible officer with relevant record with a note of instructions to be given to the concerned Public Prosecutor. Inasmuch as the explanation that the officer was busy with some other official commitments does not absolve him from attending to the Court proceedings with utmost despatch which are equally significant, if not more than any other official commitments. Be that as it may, the explanation as offered in this case is accepted.

. Insofar as the merits is concerned,

Counsel for the Applicant states that the Applicant has been released on bail in view of the order passed by the lower Court. In the circumstances, nothing survives in this application. The same is disposed of.

. Copy of this order be forwarded to the Superintendent of Police, District Solapur, as well as to the Principal Secretary, Home Department, to issue necessary instructions to all concerned that in future, such mistakes should not be repeated, especially in matters concerning bail which pertain to liberty of a person.

(A.M.KHANWILKAR,J.)